

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1579

Introduced by Senator Calderon

February 22, 2008

~~An act to add Section 650.03 to the Business and Professions Code, relating to physicians and surgeons. An act to add Section 7318.5 to the Business and Professions Code, relating to barbering and cosmetology.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1579, as amended, Calderon. ~~Physicians and surgeons: referrals.~~ *Medical referrals.*

Existing law, with certain exceptions, prohibits the offer, delivery, receipt, or acceptance by any healing arts licensee regulated by the Business and Professions Code or under the Chiropractic Initiative Act, of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, as compensation or an inducement for referring patients, clients, or customers to any person. *Existing law prohibits a person, firm, partnership, association, or corporation, or an agent or employee thereof, from referring or recommending a person for profit to a physician, hospital, health-related facility, or dispensary for any form of medical care or treatment of any ailment or physical condition, and specifies that the imposition of a fee or charge for any such referral or recommendation creates a presumption that the referral or recommendation is for profit.*

This bill would authorize a licensed physician and surgeon to offer or deliver, and a licensed barber or cosmetologist to receive, consideration for providing general hair restoration information or education to a client, including referring or recommending the client

to the licensed physician and surgeon for consultation regarding hair restoration.

~~This bill would provide that it is not unlawful for a physician and surgeon to provide consideration for a referral.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7318.5 is added to the Business and
2 Professions Code, to read:

3 7318.5. (a) Notwithstanding Section 445 of the Health and
4 Safety Code, it shall be lawful for a licensed barber or
5 cosmetologist to receive consideration from a licensed physician
6 or surgeon for providing general hair restoration information or
7 education to a client, including referring or recommending the
8 client to the licensed physician and surgeon for consultation
9 regarding hair restoration.

10 (b) Notwithstanding Section 650, it shall be lawful for a licensed
11 physician and surgeon to offer or deliver consideration to a
12 licensed barber or cosmetologist for the barber's or
13 cosmetologist's provision of general hair restoration information
14 or education to a client, including the referral or recommendation
15 of the client to the physician and surgeon for consultation
16 regarding hair restoration.

17 ~~SECTION 1. Section 650.03 is added to the Business and~~
18 ~~Professions Code, to read:~~

19 ~~650.03. Notwithstanding Section 650, or any other provision~~
20 ~~of law, it shall not be unlawful for a physician and surgeon licensed~~
21 ~~under this division to provide consideration for a referral.~~